

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

IN THE MATTER OF:

PETER NEUMANN,)	
INDIVIDUALLY AND DOING)	
BUSINESS AS)	
TRUCK PARTS COMPANY)	Complaint No. R4-2004-0037
15204 ARROW HIGHWAY)	For
BALDWIN PARK, CA 91706)	Administrative Civil Liability

PETER NEUMANN IS HEREBY GIVEN NOTICE THAT:

1. Peter Neumann, both individually and doing business as Truck Parts Company (Permittee), is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), may impose liability under § 13385 and § 13399.33(c) of the California Water Code (CWC).
2. A hearing concerning this Complaint will be held before the Regional Board or Regional Board Hearing Panel (Hearing Panel) within ninety days after service of this Complaint on Permittee. Permittee will be notified at least ten days in advance of the date, time and place of the hearing. Permittee will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board.
3. The Regional Board will consider whether to affirm, reject or modify the proposed administrative civil liability or to refer the matter to the Attorney General for recovery of a greater amount of judicial civil liability.
4. In the event that Permittee fail to comply with the requirements of this Complaint, the Executive Officer is authorized to refer this matter to the Office of the Attorney General for enforcement.
5. Permittee operates a truck parts and service facility, located at 15204 Arrow Highway, in the City of Baldwin Park, California which is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, and NPDES No. CAS000001 (General Permit). This facility was enrolled under the General Permit on January 25, 1995. The facility's WDID Number is 419I 005936 and is identified as Truck Parts Company (SIC 3732). The General Permit (Section B, No. 14) requires Permittee to submit an annual report by July 1st of each year.

March 17, 2004

6. Pursuant to CWC § 13399.31, a Notice of Non-Compliance (NNC) was issued to Permittee on July 24, 2003 for failure to submit the 2002/03 storm water annual report. A Notice of Violation (NOV) was then issued to Permittee on August 29, 2003 for failing to submit the 2002/03 storm water annual report within 30 days of issuance of the first NNC. The NOV warned Permittee of the mandatory fines that are required to be assessed for failure to submit the storm water annual report. On January 22, 2004, Regional Board staff inspected Permittee's facility, assisted Mr. Peter Neumann personally in downloading a blank 2002/2003 annual report and directed him to immediately submit a completed 2002/2003 annual report. On February 2, 2004, the storm water annual report for 2002/03 was received. By not submitting the required storm water annual report by the mandatory deadline, Permittee violated provisions of the General Permit, the Federal Clean Water Act and the CWC.
7. CWC § 13385(a)(2) provides that any person who violates waste discharge requirements issued pursuant to the Federal Clean Water Act shall be civilly liable. CWC § 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
8. Based on late submittal of the 2002/03 annual report, Permittee is alleged to have violated the General Permit for 215 days (July 1, 2003 to February 2, 2004) and is civilly liable for a total of 215 days of violation at a maximum of \$10,000 for each day in which the violation occurs.
9. CWC § 13399.33(c) provides that the Regional Board shall impose a minimum penalty of not less than \$1,000 on any person who fails to submit an annual report in accordance with CWC § 13399.31.
10. Pursuant to CWC § 13399.33(a)(2), the Regional Board is required to consider the following factors in determining the amount of civil liability to be imposed:
 - a. The nature, circumstances, extent, and gravity of the violation:
Permittee has been given sufficient notice to submit the annual report. Permittee did not respond appropriately to the notices and did not submit the annual report for 215 days after the due date; therefore, no reduction in the civil liability is warranted.
 - b. Violator's ability to pay:
Permittee has not submitted sufficient information for the Regional Board to determine Permittee's ability to pay. The Regional Board feels that the penalty is correctly assessed; therefore, no reduction in the civil liability is warranted.
 - c. Prior history of violations:
Permittee has repeatedly violated General Permit requirements. Violations and enforcement actions are listed below:

1995/96 Annual Report Delinquency

- Notice of Non-Compliance (NNC) dated November 26, 1996, issued to Permittee

1996/97 Annual Report Delinquency

- NNC dated January 16, 1998, issued to Permittee

1997/98 Annual Report Delinquency

- NNC dated August 17, 1998, issued to Permittee
- Notice of Violation (NOV) dated December 3, 1998, issued to Permittee
- Administrative Civil Liability Complaint (ACL) dated April 9, 1999, in the amount of \$7,500, for 1995/96, 1996/97, and 1997/98 delinquent annual reports, issued to Permittee

1997/98 Monitoring Violations

- NNC dated January 22, 1999, issued to Permittee

1998/99 Annual Report Delinquency

- NNC dated October 26, 1999, issued to Permittee
- NOV dated December 1, 1999, issued to Permittee

1999/00 Annual Report Delinquency

- NNC dated August 22, 2000, issued to Permittee
- NOV dated October 10, 2000, issued to Permittee

2000/01 Annual Report Delinquency

- NNC dated July 25, 2001, issued to Permittee
- NOV dated August 24, 2001, issued to Permittee

2000/01 Invoice Delinquency

- NOV dated October 10, 2002, issued to Permittee

2003/04 Storm Water Program Violations

- NOV dated February 3, 2004, issued to Permittee

Furthermore, Permittee owned another facility in Sun Valley, which received extensive staff enforcement actions, including ACL No. 98-106 in the amount of \$8,500 for delinquent annual reports and was subsequently referred to the Attorney General for collection of civil liability.

d. Degree of culpability:

Permittee is required under the General Permit (Section B, No. 14) to submit an annual report by July 1st every year. The Regional Board sent Permittee an NNC and an NOV when Permittee's 2002/03 storm water annual report was not received. Regional Board staff inspected Permittee's facility on January 22, 2004 and assisted Peter Neumann in downloading a blank annual report form. Regional Board staff directed Peter

Neumann to submit an annual report immediately. On February 2, 2004, Peter Neumann submitted a completed annual report to the Regional Board.

- e. Economic benefits or savings resulting from the violation:
Regional Board staff have examined the cost savings from late submittal of the storm water annual report and determined that it is at least \$500.
 - f. Other matters as justice may require:
None are apparent at this time.
11. After consideration of those factors, the Executive Officer proposes civil liability be imposed on Permittee in the amount of \$6,750.
12. CWC § 13399.33(d) provides that the Regional Board may recover from Permittee the costs incurred by the Regional Board in this matter. The Regional Board charges a rate of \$70 per hour for staff cost recovery. As of March 1, 2004, staff spent 25 hours investigating Permittee's failure to comply with the annual report requirement of the General Permit. Staff costs to date incurred by the Regional Board total \$1,750.

PROPOSED CIVIL LIABILITY

PENALTY CATEGORY	CALCULATION	TOTAL
Non-compliance with Order No. 97-03 DWQ by failing to submit the 2002/03 annual report.	CWC § 13399.33: Minimum penalty of \$1,000 for failing to submit a storm water annual report.	\$1,000
Increased Penalty Component for 7 years of Non-Compliance	\$3,500	\$3,500
Recovery of Staff Costs	(25 Hours)(\$70/Hour)	\$1,750
Avoided Cost	\$500	\$500
Recommended ACL		\$6,750

13. Permittee may waive the right to a hearing. Should Permittee choose to waive the right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return the executed waiver to the Regional Board at 320 West 4th Street, Suite 200, Los Angeles, CA 90013, to be received by the Regional Board by the close of business on April 28, 2004. If the hearing is waived, in order to satisfy the civil liability, a check in the amount of \$6,750 (payable to the State Water Resources Control Board-Storm Water Account) shall accompany the signed waiver.

If Permittee has any questions, please contact Wendy Phillips at (213) 576-6618 or Ivar Ridgeway at (213) 620-2150.

Date

Dennis A. Dickerson
Executive Officer

WAIVER OF HEARING

By signing below and attaching a check for the amount of civil liability proposed in the Administrative Civil Liability Complaint No. R4-2004-0037, Peter Neumann, both individually and doing business as Truck Parts Company (Permittee) waives the right to a hearing before the Regional Board. Permittee understands that Permittee is forgoing the right to argue against the allegations made by the Executive Officer in this Complaint, and against imposition of, and the amount of, civil liability imposed. Furthermore, Permittee understands that if an Administrative Civil Liability Order is adopted by the Regional Board, payment will be due thirty days after the date of adoption.

Signature: _____

Name: _____

Position: _____
Truck Parts Company

Date: _____